

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

MAILED

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 25 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOHN E. DAVIS, DANIEL FURLANO, BERNARD P. LANDA,  
PARFAIT J.M. LIKIBI, THOMAS P. FEIST, KEVIN H. DAI,  
SURESH SUBRAMANIAN, RAMESH HARIHARAN, WIT C. BUSHKO,  
KAZUNAO KUBOTERA, THOMAS B. GORCZYCA, JOSEPH T. WOODS  
and HERBERT S. COLE JR.

Appeal No. 2005-0623  
Application No. 09/683,114<sup>1</sup>

ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge; GARRIS and FLEMING, Administrative Patent Judges.

Per curiam.

On February 24, 2003, applicants filed a Notice of Appeal. On January 19, 2005, the Board of Patent Appeals and Interferences (hereinafter the "Board") mailed to applicants an Appeal Docketing Notice. However, on February 24, 2005, applicants submitted to the examiner, by facsimile transmission, an "Express Abandonment under 37 CFR [§] 1.138." Thereafter, on March 5, 2005, while the application was under the jurisdiction

<sup>1</sup> Application for patent filed November 20, 2001.

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of the Board, personnel from the Technology Center mailed to applicants a Notice of Abandonment thereby acknowledging such abandonment.

Accordingly, it is

ORDERED that the appeal filed February 24, 2003 is dismissed as of the date the Notice of Abandonment was mailed, March 5, 2005.

The application is being electronically returned to the examiner for further action as may be appropriate.

*Gary V. Harkcom*  
GARY V. HARKCOM, Acting Chief )  
Administrative Patent Judge )  
  
*Bradley R. Garris*  
BRADLEY R. GARRIS ) BOARD OF PATENT  
Administrative Patent Judge ) APPEALS AND  
 ) INTERFERENCES  
  
*Michael R. Fleming*  
MICHAEL R. FLEMING )  
Administrative Patent Judge )

BRG:clm

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